

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
BINH CAM TRAN	:	NO. 06-536

ORDER

AND NOW, this 24th day of November, 2009, upon consideration of Defendant's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. 2255 (Docket No. 73), the Government's Motion to Dismiss (Docket No. 77), Defendant's response thereto, and the Hearing held on November 18, 2009, **IT IS HEREBY ORDERED** as follows:

1. The Government's Motion to Dismiss is **GRANTED**.
2. Defendant's Motion to Vacate, Set Aside or Correct Sentence Under 28 U.S.C. § 2255 is **DISMISSED**.
3. Because Defendant has failed to make a substantial showing of the denial of a constitutional right, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.